

REMARKS

Applicants' undersigned attorney thanks the Examiner for her comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-48 are pending.

Amendments to the Claims

Claims 1-48 have been examined with no claims being allowed. Applicants have amended Claims 1, 16, and 35. No new matter has been added by this Amendment.

Claims 1, 16, and 35 have been amended to include the limitation of the absorbent wrap comprising a binder material mixed with an absorbent material. Support for this amendment is provided throughout the specification, such as at page 13, line 16 – page 14, line 3.

No additional fee is due for this Amendment because the number of independent claims remains unchanged and the total number of claims remains unchanged.

Claim Rejections - 35 U.S.C. §102 or 35 U.S.C. §103

The rejection of Claims 1, 3-6, 8, 10-11, 16, 19-21, 23, 24-25, 27, 29, and 30 under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Putzier (U.S. Patent No. 5,262,218) is respectfully traversed.

Putzier discloses an absorbent material that is decomposable under biological conditions. The absorbent material includes a wrapper of a formed-fabric-type material made of an organic polymer. The wrapper is wrapped around an absorbing body with a tissue layer between the absorbing body and the wrapper. A binder is used to stabilize the wrapper.

For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Putzier does not disclose each and every element or limitation of amended Claims 1 and 16.

Applicants' invention as recited in Claims 1 and 16 requires an absorbent wrap that includes a binder material mixed with an absorbent material. Putzier fails to disclose or suggest a mixture of a binder material and an absorbent material in the wrapper, but instead discloses a wrapper as one element and a binder material as a separate element that is applied to the wrapper to stabilize the wrapper.

A mixture of the binder material and the absorbent material, as in Applicants' invention, balances the absorbent properties and the mechanical integrity of a wrapper. In contrast, a wrapper having all of the binder material concentrated on one side of the wrap, as in Putzier, would probably form a fairly strong binder network that would have good mechanical integrity, at least for the depth of the binder in the wrap, but such a concentrated binder configuration would likely lead to poor absorbency properties, particularly poor liquid intake. More particularly, the binder concentration of Putzier would likely create barrier properties on the surface of the wrap.

For at least the reasons presented above, Applicants respectfully submit that Claims 1 and 16 are not anticipated by Putzier. Because Claims 3-6, 8, and 10-11 depend from Claim 1, and Claims 19-21, 23, 24-25, 27, 29, and 30 depend from Claim 16, respectively, these claims are also not anticipated by Putzier. Thus, Applicants respectfully request withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §103

A. Everett et al. in view of GB 1,231,648

The rejection of Claims 1-14 and 16-33 under 35 U.S.C. §103(a) as being unpatentable over Everett et al. (PCT Publication No. WO 99/17695) in view of Great Britain Patent No. 1,231,648 (hereinafter "GB '648") is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Everett et al. disclose a multi-layer absorbent article. A wrap sheet may be wrapped around one or more absorbent layers. The wrap sheet may be a layer of absorbent material. However, Everett et al. fail to disclose or suggest a wrap sheet that includes a mixture of binder material and absorbent material.

GB '648 discloses an absorbent layer of biodegradable fibers held together with a water-insoluble copolymer. The absorbent layer is stable to fluid bodily discharges, but degrades to release the fibers in more alkaline liquids. GB '648 discloses a single-layer absorbent material and fails to disclose or suggest any sort of wrap material. Instead, the material of GB '648 is essentially an absorbent core material.

The Examiner opines that it would have been obvious to have employed a binder as taught by GB '648 with the wrapper of Everett. The Examiner further suggests that a motivation for combining these references is that a binder would enhance the strength of the tissue which is wrapped around the absorbent core of Everett et al.

There is no suggestion to combine the teachings of Everett et al. with the teachings of GB '648. To the contrary, these references teach away from the proposed combination thereof. Everett et al. is directed to a multi-layer, multi-functional absorbent material, whereas GB '648 is directed to a biodegradable absorbent material. It would be illogical to include one layer of the biodegradable material of GB '648 in the multi-layer material of Everett et al. because the non-biodegradable layers within the resulting product would prevent a user from disposing of the product in the manner in which the biodegradable material of GB '648 was designed to be disposed. Thus, the purpose of the biodegradable material of GB '648 would be thwarted.

Furthermore, GB '648 fails to disclose or suggest tissue or other wrap material with a binder therein. Instead, GB '648 discloses an absorbent core material with a binder therein. Thus, a combination of the teachings of Everett et al. with the teachings of GB '648 would result in the absorbent core material of GB '648 encompassed by the binder-less absorbent wrap material of Everett et al.

For at least the reasons given above, Applicants respectfully submit that the teachings of Everett et al. in view of GB '648 fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

B. Everett et al. in view of GB 1,231,648 and further in view of Rosch et al.

The rejection of Claims 15, 34, and 35-48 under 35 U.S.C. §103(a) as being unpatentable over Everett et al. in view of GB '648 as applied to Claims 1-14 and 16-33 above, and further in view of Rosch et al. (U.S. Patent No. 6,009,558), is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Rosch et al. disclose absorbent swimwear garments. The Examiner suggests that it would have been obvious to have incorporated an absorbent core as taught by Everett et al. into the swimwear of Rosch et al. However, neither Everett et al., nor Rosch et al., nor GB '648 discloses or suggests a wrap material comprising a mixture of absorbent material and binder material. Thus, to first combine the teachings of Everett et al. and GB '648, as explained above, would result in the absorbent core material of GB '648 encompassed by the binder-less absorbent wrap material of Everett et al. To incorporate such an absorbent material into the swimwear of Rosch et al. would fail to result in a swimwear garment having an absorbent structure that includes an absorbent wrap surrounding an absorbent core wherein the absorbent wrap includes a mixture of an absorbent material and a binder material, because none of these three references, alone or in any combination, discloses or suggests a material suitable for use as an absorbent wrap that includes a mixture of an absorbent material and a binder material.

For at least the reasons given above, Applicants respectfully submit that the teachings of Everett et al. in view of GB '648 and further in view of Rosch et al. fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Serial No. 10/025,214

Docket No.: KCC-15,750

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Melanie I. Rauch".

Melanie I. Rauch
Registration No. 40,924

Pauley Petersen & Erickson
2800 West Higgins Road, Suite 365
Hoffman Estates, Illinois 60195
(847) 490-1400
FAX (847) 490-1403